



MANDATE
The Fourteenth Court of Appeals
NO. 14-14-00589-CV

1717 BISSONNET, LLC,
APPELLANT AND CROSS-APPELLEE
v.

PENELOPE LOUGHHEAD, LUONG
NGUYEN, LAM NGUYEN AND
KATHERINE HOANG, JOINTLY,
JAMIE FLATT, DONALD
VERPLANCKEN, NORMAN AND
SUANNAH RUND, JOINTLY, ACHIM
AND DIANA BELL, JOINTLY, JEANNE
MEIS, MARY VAN DYKE, RALPH AND
LESLIE MILLER, JOINTLY, YIN AND
SURONG ZHANG, JOINTLY, MARTHA
GARIEPY, STEPHEN ROBERTS,
SUZANNE POWELL, MICHELLE
JENNINGS AND MICHAEL TETZLAFF,
JOINTLY, JAMES AND ALLISON
CLIFTON, JOINTLY, KIMBERLY BELL,
RICHARD AND MARY BARANIUK,
JOINTLY, KENNETH REUSSER AND
XANTHI COUROUCLI, JOINTLY, AND
EARLE MARTIN, APPELLEES AND
CROSS-APPELLANTS

Appealed from the 157th District Court
of Harris County. (Tr. Ct. No. 2013-
26155). Opinion delivered by Justice
Donovan. Chief Justice Frost and
Justice Boyce also participating.

TO THE 157TH DISTRICT COURT OF HARRIS COUNTY, GREETINGS:

This cause, an appeal from the judgment, signed July 18, 2014, was heard on the transcript of the record. We have inspected the record and find error in the judgment.

We order the portion of the judgment ordering that appellees/cross-appellants, Penelope Loughhead, Luong Nguyen, Lam Nguyen and Katherine Hoang, jointly, Jamie Flatt, Donald Verplancken, Norman and Suannah Rund, jointly, Achim and Diana Bell, jointly, Jeanne Meis, Mary Van Dyke, Ralph and Leslie Miller, jointly, Yin and Surong Zhang, jointly, Martha Gariepy, Stephen Roberts, Suzanne Powell, Michelle Jennings and Michael Tetzlaff, jointly, James and Allison Clifton, jointly, Kimberly Bell, Richard and Mary Baraniuk, jointly, Kenneth Reusser and Xanthi Couroucli, jointly, and Earle Martin, recover from appellant/cross-appellee, 1717 Bissonnet, LLC, damages for loss of market value be **REVERSED** and **RENDER** judgment that appellees/cross-appellants take nothing on their claim for damages without prejudice to their right to seek damages once a claim for an existing nuisance accrues.

We further order the portion of the judgment taxing costs of court against appellant/cross-appellee, 1717 Bissonnet, LLC, be **REVERSED** and **RENDER** judgment taxing all costs of court against appellees/cross-appellants, Penelope Loughhead, Luong Nguyen, Lam Nguyen and Katherine Hoang, jointly, Jamie Flatt, Donald Verplancken, Norman and Suannah Rund, jointly, Achim and Diana Bell, jointly, Jeanne Meis, Mary Van Dyke, Ralph and Leslie Miller, jointly, Yin and Surong Zhang, jointly, Martha Gariepy, Stephen Roberts, Suzanne Powell, Michelle Jennings and Michael Tetzlaff, jointly, James and Allison Clifton, jointly, Kimberly Bell, Richard and Mary Baraniuk, jointly, Kenneth Reusser and Xanthi Couroucli, jointly, and Earle Martin, except for those costs taxed in the judgment against “Non-Prevailing Plaintiffs.”

We order the remainder of the judgment of the court below **AFFIRMED**.

We further order that all costs incurred by reason of this appeal be paid by appellees/cross-appellants, Penelope Loughhead, Luong Nguyen, Lam Nguyen and Katherine Hoang, jointly, Jamie Flatt, Donald Verplanken, Norman and Suannah Rund, jointly, Achim and Diana Bell, jointly, Jeanne Meis, Mary Van Dyke, Ralph and Leslie Miller, jointly, Yin and Surong Zhang, jointly, Martha Gariepy, Stephen Roberts, Suzanne Powell, Michelle Jennings and Michael Tetzlaff, jointly, James and Allison Clifton, jointly, Kimberly Bell, Richard and Mary Baraniuk, jointly, Kenneth Reusser and Xanthi Couroucli, jointly, and Earle Martin—jointly and severally.

We further order this decision certified below for observance.

WHEREFORE, WE COMMAND YOU to observe the order of our said Court in this behalf and in all things have it duly recognized, obeyed, and executed.

WITNESS, the Hon. Kem Thompson Frost, Chief Justice of our Fourteenth Court of Appeals, with the Seal thereof affixed, at the City of Houston, September 09, 2016.



CHRISTOPHER A. PRINE, CLERK

A handwritten signature in cursive script, appearing to read "Christopher A. Prine".